

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
PAPPAMMAL KURIAN)	Call Signs WNVJ741, WPIQ777,
)	WPTG843, WPXC618, WPXY504, and
Request for Reinstatement of Licenses)	WQAQ340
)	
THOMAS KURIAN)	Call Signs KNNF731 and WQO982

ORDER ON FURTHER RECONSIDERATION

Adopted: May 22, 2014

Released: May 22, 2014

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* In this *Order on Further Reconsideration*, we deny a petition¹ filed by Warren Havens, Environmental LLC, Environmental-2 LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC (collectively, Havens Entities) for further reconsideration of an *Order on Reconsideration*² granting reconsideration of an *Order on Reconsideration and Order of Modification*³ that modified the licenses of Thomas Kurian (Mr. Kurian) for private land mobile radio Stations KNNF731 and WQO982.

2. *Background.*⁴ While litigation between Pappammal Kurian (Ms. Kurian) and Richard Susainathan over the licenses for, *inter alia*, Stations WNVJ741, WPIQ777, and WQAQ340 was pending in state court, Mr. Susainathan assigned them to Mr. Kurian,⁵ who then modified his license for Station WQO982 to add frequencies assigned to Station WNVJ741⁶ and cancelled the license for Station WNVJ741;⁷ and modified his license for Station KNNF731 to add frequencies assigned to Stations WPIQ777 and WQAQ340⁸ and cancelled the licenses for Stations WPIQ777 and WQAQ340.⁹

¹ Petition for Action under Section 1.41 or Reconsideration of DA 13-1660, Order on Reconsideration, Rel. July 29, 2013 (filed Aug. 29, 2013) (Havens Entities PFFR).

² Pappammal Kurian, *Order on Reconsideration*, 28 FCC Rcd 11025 (WTB MD 2013) (*Reconsideration Order*).

³ Pappammal Kurian, *Order on Reconsideration and Order of Modification*, 27 FCC Rcd 13516 (WTB MD 2012) (*Modification Order*).

⁴ For more detailed information regarding the background of this matter, see Pappammal Kurian, *Order and Order Proposing Modification*, 26 FCC Rcd 15177, 15177-79 ¶¶ 2-9 (WTB MD 2011) (*Order*).

⁵ See FCC File Nos. 0003915191 (filed July 28, 2009), 0003946875 (filed Aug. 25, 2009), 0003957109 (filed Sept. 4, 2009), 0003993720 (filed Oct. 13, 2009).

⁶ See FCC File Nos. 0003947529 (Aug. 25, 2009), 0004036432 (filed Nov. 17, 2009).

⁷ See FCC File No. 0004009277 (filed Oct. 27, 2009).

⁸ See FCC File No. 0004012350 (filed Oct. 29, 2009).

⁹ See FCC File Nos. 0004143990-92 (filed Mar. 3, 2010).

3. After the state court awarded the licenses to Ms. Kurian,¹⁰ the Wireless Telecommunications Bureau's Mobility Division (Division) reinstated the licenses and granted temporary waivers of the Commission's Rules¹¹ in order to give her one year (until October 28, 2012) to bring the stations back into operation.¹² To enable Ms. Kurian to restore interference-free operations, the Division modified Mr. Kurian's licenses for Stations KNNF731 and WQO982 by deleting the frequencies that he had added from the licenses that he cancelled.¹³

4. Instead of bringing the stations back into operation, however, Ms. Kurian cancelled the licenses for Stations WPIQ777 and WNVJ741,¹⁴ and reported in response to a Division inquiry regarding the construction and operational status of her licensed stations that she had not constructed Station WQAQ340.¹⁵ Consequently, the Division granted Mr. Kurian's petition for reconsideration of the order modifying his licenses, concluding that it no longer would further the public interest to delete the frequencies that he had added from the licenses that were once again inactive.¹⁶ The Division also concluded that the authorization for Station WQAQ340 had cancelled automatically.¹⁷

5. The Havens Entities filed a petition for reconsideration arguing that the Division's actions should be set aside because one of the Havens Entities obtained a monetary judgment against Ms. Kurian in Nevada state court and plans to proceed with the necessary legal actions to obtain satisfaction of the judgment by forcing a sale of Ms. Kurian's licenses.¹⁸ The Nevada state court enjoined Ms. Kurian from "transferring, concealing, removing from the jurisdiction, making use of, or otherwise disposing of any assets,"¹⁹ and appointed a receiver²⁰ to seek Commission approval to take control of her licenses and sell them and distribute the net proceeds to the plaintiff to satisfy the judgment.²¹

6. *Discussion.* The Nevada state court temporary restraining order and receivership appointment order were issued after Ms. Kurian cancelled the licenses for Stations WPIQ777 and WNVJ741, and after her license for Station WQAQ340 automatically terminated upon expiration of the

¹⁰ See *Susainathan v. Kurian*, Consolidated Case Nos. A505829, A514179, A555891, *Judgment Upon Jury Verdict* (Dist. Ct., Clark County, Nev. Aug. 11, 2010) at ¶ 28.

¹¹ 47 C.F.R. §§ 90.155(a) (generally requiring that private land mobile radio stations be placed in operation within 12 months from the date of authorization), 90.157(a) (providing that a private land mobile radio license cancels automatically upon permanent discontinuance of operations, and that a station that has not operated for one year or more is considered to have been permanently discontinued).

¹² See *Order*, 26 FCC Rcd at 15180-81 ¶¶ 10-14, 15181-82 ¶¶ 15-16.

¹³ See *Modification Order*, 27 FCC Rcd at 13518 ¶ 7.

¹⁴ See FCC File Nos. 0005366467, 0005366475 (filed Aug. 24, 2012).

¹⁵ Letter dated June 14, 2013 from Pappammal Kurian to FCC Office of Secretary.

¹⁶ See *Order on Reconsideration*, 28 FCC Rcd at 11027 ¶ 6.

¹⁷ See *id.*

¹⁸ See Havens Entities PFFR at 2.

¹⁹ Order Granting Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued, Case No. A-12-669776-C (Dist. Ct., Clark County, Nev. Dec. 6, 2012).

²⁰ See Order Granting Plaintiff's Motion to Appoint William Holland as Receiver, Case No. A-12-669776-C, at 2 (Dist. Ct., Clark County, Nev. Jan. 30, 2014).

²¹ Both court orders are viewable in the Universal Licensing System under Call Sign WNXG425. See Further Supplement to Petition to Respect and Take Actions Under Court Restraining Order, Exhibit 3 (filed Dec. 17, 2012); Letter dated Feb. 11, 2014 from Warren Havens, to Stana Kimball, Attorney-Advisor, Mobility Division, Wireless Telecommunications Bureau, Attachment.

extended construction period. While the Commission generally accommodates court decrees that are final unless it is in the public interest to do otherwise, the record in this matter sets forth no court order that then barred the termination of those licenses.²² Granting Mr. Kurian's petition to restore to his licenses for Stations KNNF731 and WQO982 the frequencies that he had added from the licenses that he cancelled therefore does not conflict with the state court orders. Consequently, we find no error in the Division's actions.

7. *Ordering Clauses.* Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the Petition for Action under Section 1.41 or Reconsideration of DA 13-1660, Order on Reconsideration, Rel. July 29, 2013 filed by Warren Havens, Environmental LLC, Environmental-2 LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC on August 29, 2013 IS DENIED.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

²² See Pappammal Kurian, *Order and Order on Reconsideration*, DA 14-618, ¶ 6 (WTB MD rel. May 7, 2014) (citing Inforum Communications Inc., *Memorandum Opinion and Order*, 20 FCC Rcd 820, 827 ¶ 12 (2005)).